## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS LUFKIN DIVISION

ANASCAPE, LTD.	§
	§ Hon. Ron Clark
Plaintiff,	§
	§
v.	§ Civil Action No. 9:06-CV-158-RC
	§
MICROSOFT CORPORATION, and	§
NINTENDO OF AMERICA INC.,	§
	§
Defendants.	<b>§</b>

## **DEFENDANT NINTENDO OF AMERICA INC.'S NOTICE OF SUBMISSION**

Notice is hereby given that Defendant Nintendo of America Inc. ("Nintendo") submitted the following letters to the Court, attached as Exhibits 1-8, via email, fax, and Federal Express, on April 29 and May 2, 3, 10, and 11, 2008:

- 1. April 29, 2008 letter from Charles Goehringer requesting clarification or additional claim construction of certain '700 patent claim terms in light of *02 Micro*.
- May 2, 2008 letter from Robert J. Gunther responding to Plaintiff Anascape, Ltd.
   ("Anascape")'s letter (dated May 2, 2008) withdrawing certain exhibits pursuant to the Court's decision granting Defendant's Motion in Limine 8.
- 3. May 2, 2008 letter brief from Robert J. Gunther responding to the Court's request for case law on the admissibility of evidence that Mr. Armstrong wrote the claims of the '700 patent to match the features of the Nintendo GameCube, and responding to Anascape's hearsay objection to DX-291.

4. May 3, 2008 letter from Robert J. Gunther responding to Anascape's second letter (dated

May 3, 2008) regarding the admissibility of evidence that Mr. Armstrong wrote the

claims of the '700 patent to match the features of the Nintendo GameCube.

5. May 10, 2008 letter from James S. Blank requesting an additional jury instruction

regarding evidence of an accelerometer in the Wii Nunchuk.

6. May 11, 2008 letter from Robert J. Gunther requesting preclusion of further Anascape

argument regarding Nintendo's alleged refusal to license Anascape's technology.

7. May 11, 2008 letter from Robert J. Gunther regarding the Court's instructions to the jury

on the issues of priority and written description.

8. May 11, 2008 letter from Robert J. Gunther responding to the Court's request for

authority to support Nintendo's position that the changes made to the '700 application are

relevant to the issue of priority.

Dated: May 22, 2008

Respectfully submitted,

/s/ James S. Blank

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**Attorneys for Defendant and Counterclaimant** Nintendo of America Inc.

## **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 22nd day of May, 2008. Any other counsel of record will be served by first-class mail.

/s/ James S. Blank
James S. Blank